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6 UNITED STATES DISTRICT COURT  
7 CENTRAL DISTRICT OF CALIFORNIA  
8 WESTERN DIVISION  
9

10 RODERICK DWAYNE GREENE,

11 Petitioner,

12 v.

13 KATHLEEN PROSPER, WARDEN,

14 Respondent.  
15

No. CV 08-3249 AG (FFM)

ORDER DISMISSING ACTION FOR  
LACK OF PROSECUTION

16 At the time petitioner Roderick Dwayne Greene (“Petitioner”) commenced  
17 these proceedings, he was a state prisoner in the custody of the California  
18 Correctional Center in Susanville, California.

19 On May 23, 2008, this Court issued an order (“Order Requiring Response  
20 to Petition”) that admonished Petitioner that “Petitioner shall immediately notify  
21 the Court and counsel for Respondents of any change of Petitioner’s address. If  
22 Petitioner fails to keep the Court informed of where Petitioner may be contacted,  
23 this action will be subject to dismissal for failure to prosecute. *See also* Local  
24 Rule 41-6.”

25 On November 16, 2009, this Court issued a Report and Recommendation  
26 recommending the District Court to dismiss Grounds Two, Three, and Five  
27 without prejudice for failure to exhaust.

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1 An Order Adopting Findings, Conclusions and Recommendations of United  
2 States Magistrate Judge was filed on June 15, 2010. Petitioner's copy of this  
3 order was returned to the Court as undeliverable with a notation indicating that  
4 Petitioner has been released.


5 On June 18, 2010, the Court issued a minute order requiring respondent to  
6 file an answer to the remaining claims in Petitioner's petition. Petitioner's copy of  
7 this order was also returned to the Court, again as undeliverable with a notation  
8 that Petitioner was released from prison on May 12, 2010.

9 On August 9, 2010, this Court issued an order requiring Petitioner to "show  
10 cause why the present matter should not be dismissed without prejudice for want  
11 of prosecution." (Order to Show Cause, filed August 9, 2010.) On August 18,  
12 2010, Petitioner's service copy of the Order to Show Cause was returned as  
13 undeliverable to the Court.

14 It has been over seven weeks since the Court's first order was returned as  
15 undeliverable. To date, Petitioner has not notified the Court of his new address  
16 and, as a result, the Court has no way of communicating with Petitioner.  
17 Accordingly, this action is **ORDERED DISMISSED** without prejudice for failure  
18 to prosecute. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); Fed. R.  
19 Civ. P. 41(b).

20 LET JUDGMENT BE ENTERED ACCORDINGLY.

21  
22 DATED: September 7, 2010

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24   
ANDREW J. GUILFORD  
United States District Judge

25 Presented by:

26 /S/ FREDERICK F. MUMM  
27 FREDERICK F. MUMM  
28 United States Magistrate Judge